UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1998/L.59
9 April 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 15

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION

Afghanistan*, Argentina, Austria, Botswana, Burundi*, Cameroon*, Canada, Chile, Colombia*, Congo, Croatia*, Czech Republic, Denmark, El Salvador, Finland*, Greece*, Guatemala, Guinea, Hungary*, Iceland*, Ireland, Israel*, Italy, Japan, Libyan Arab Jamahiriya*, Luxembourg, Madagascar, Mexico, Morocco, Nepal, Peru, Philippines, Portugal*, Romania*, Rwanda, Senegal, South Africa, Spain*, Sweden*, Uganda, Uruguay and Venezuela: draft resolution

1998/... Human rights of persons with disabilities

The Commission on Human Rights,

Mindful of the pledge made by States, under the Charter of the United Nations, to take action jointly and separately, in cooperation with the United Nations, in order to promote a better quality of life, full employment, and conditions for economic and social progress and development,

Recalling that all persons with disabilities have the right to protection against discrimination and to full and equal enjoyment of their human rights, as laid down inter alia in the provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and of the International Labour Organization Convention No. 159,

Recalling also the report of the Secretary-General, to the General Assembly on the third review and appraisal of the World Programme of Action concerning Disabled Persons (A/52/351),

Reaffirming the continuing validity and value of the World Programme of Action concerning Disabled Persons, adopted by the General Assembly at its thirty-seventh session, which provides a firm and innovative framework for promoting and protecting the human rights of persons with disabilities,

Mindful of the unreserved reaffirmation in the Vienna Declaration and Programme of Action, and by the Fourth World Conference on Women of the human rights and fundamental freedoms of persons with disabilities, as well as the recognition in the Programme of Action of the International Conference on Population and Development and the Programme of Action of the World Summit for Social Development of a pressing need for, inter alia, the realization of the goals of full participation and equality for persons with disabilities,

Reaffirming its resolution 1996/27 of 19 April 1996 on the human rights of persons with disabilities,

Noting the report of the Special Rapporteur of the Commission for Social Development on monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (A/52/56, annex),

Reaffirming Economic and Social Council resolutions 1997/19 on equalization of opportunities for persons with disabilities and 1997/20 on children with disabilities,

Recalling General Assembly resolution 48/96 of 20 December 1993, by which the Assembly adopted the Standards Rules on the Equalization of Opportunities for Persons with Disabilities,

Recalling also General Assembly resolution 52/107 of 12 December 1997, in which the Assembly called for the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities,

Welcoming initiatives to hold international conferences relating to persons with disabilities, particularly the holding of the Fifth World Assembly of Disabled People's International at Mexico City in December 1998, on the theme "Towards an inclusive twenty-first century",

Re-emphasizing the responsibility of Governments for removing or facilitating the removal of barriers and obstacles to the full integration and participation of persons with disabilities in society, and supporting their efforts to develop national policies to reach specific objectives,

Recognizing the contribution of non-governmental organizations, especially organizations of persons with disabilities, in the global effort to bring about full participation and equality for persons with disabilities and to ensure the full enjoyment of human rights by persons with disabilities,

Noting the reports of Mr. Leandro Despouy, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and the Office of the High Commissioner for Human Rights publication Human Rights and Disabled Persons, in which international mechanisms for the protection and promotion of the human rights of persons with disabilities, such as an ombudsman, are proposed,

Noting also the International Labour Organization survey of the law and practice of States parties to Convention No. 159,

Concerned at the extent of disabilities caused by the indiscriminate use of anti-personnel mines, particularly among civilian populations,

1. Recognizes that any violation of the fundamental principle of equality and any discrimination or other negative differential treatment of persons with disabilities inconsistent with the United Nations Standard Rules on Equalization of Opportunities for Persons with Disabilities is an infringement of the human rights of persons with disabilities;

2. Calls upon the Secretary-General to maintain the integrity of programmes within the United Nations system relating to persons with disabilities, including the United Nations Voluntary Fund on Disability, in order to promote the rights and the equalization of opportunities and full inclusion within societies of persons with disabilities;

3. Welcomes the renewal of the mandate of the Special Rapporteur on disability of the Commission for Social Development, and thanks him for addressing the Commission on Human Rights in the year of the fiftieth anniversary of the Universal Declaration of Human Rights;

4. Invites the Special Rapporteur of the Commission for Social Development to address the Commission on Human Rights at its fifty-sixth session;

5. Takes note of the global survey of government action on disability policy published in 1997 by the Office of the Special Rapporteur on disability;

6. Calls upon States to cooperate fully with the Special Rapporteur, to meet his requests for information and to provide relevant data to the Committee on Economic, Social and Cultural Rights;

7. Encourages non-governmental organizations active in the protection and promotion of the human rights of persons with disabilities to cooperate closely with each other, and to provide relevant information to the Committee on Economic, Social and Cultural Rights and to the Office of the High Commissioner for Human Rights;

8. Also encourages such non-governmental organizations to avail themselves of the technical assistance of the Office of the High Commissioner for Human Rights to assist them to function effectively in the human rights sphere;

9. Encourages Governments to support non-governmental organizations active in the promotion and protection of the human rights of persons with disabilities;

10. Recognizes the right of persons with disabilities, individually and collectively, to form and become members of organizations of persons with disabilities and the right of such organizations to speak for and act as legitimate representatives of their members;

11. Encourages all the human rights treaty monitoring bodies to respond positively to its invitation to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure full enjoyment of those rights by persons with disabilities, and urges Governments to cover fully the question of the human rights of persons with disabilities in complying with reporting obligations under the relevant United Nations human rights instruments;

12. Invites all special rapporteurs, in the course of carrying out their mandates, to take into account the situation and human rights of persons with disabilities;

13. Urges Governments to implement, with the cooperation and assistance of relevant organizations, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, having particular regard for

the needs of women, children and persons with developmental and psychiatric disabilities in order to guarantee their human dignity and integrity;

14. Invites Governments and the private sector to contribute to the United Nations Voluntary Fund on Disability, with a view to providing additional support for the implementation of the Standard Rules, within the context of the World Programme of Action concerning Disabled Persons;

15. Requests the Secretary-General to continue to ensure appropriate support for the effective functioning of the Long-Term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond;

16. Expresses grave concern that situations of armed conflict have especially devastating consequences for the human rights of persons with disabilities;

17. Welcomes increased international efforts in various forums with respect to anti-personnel mines, and in this regard takes due note of the conclusion of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and its implementation by those States that become parties to it, as well as of the amended Mines Protocol of the Convention on Prohibitions or Restrictions on the use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects;

18. Calls upon all States and relevant United Nations bodies, including the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine clearance efforts, and urges States to take further action to promote gender- and age-appropriate mine-awareness programmes and rehabilitation, thereby reducing the number and the plight of victims;

19. Encourages the development of programmes for persons with disabilities to enable them to develop their potential to fully participate in all aspects of society;

20. Requests the Secretary-General to report biennially to the General Assembly on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities;

21. Also requests the Secretary-General to make available to the Commission at its fifty-fifth session the latest report of the Special

Rapporteur on disability of the Commission for Social Development on his monitoring of the Standard Rules on the Equalization of Opportunity for Persons with Disabilities;

22. Calls upon the United Nations Development Programme and all intergovernmental institutions for development cooperation to integrate disability measures into their mainstream activities;

23. Requests that all United Nations organizations and specialized agencies address the problems that exist in creating equal opportunities for persons with disabilities at all levels;

24. Encourages Governments to work towards developing appropriate education policies and practices for children and adults with disabilities, to include persons with disabilities in strategies and plans aimed at eradicating poverty, promoting education and enhancing employment, and to take account of the right of persons with disabilities to housing, shelter, transport and supportive equipment;

25. Invites the International Labour Organization, in cooperation with governments and intergovernmental bodies, to take the lead internationally in formulating policies and strategies that will lead to equal job opportunities;

26. Invites Governments and non-governmental organizations to collect and collate appropriate information and data on persons with disabilities, to assist in the formulation of effective policies to address issues of equality;

27. Recommends that the Office of the High Commissioner for Human Rights take account of information on legislation affecting the human rights of persons with disabilities which has been collected by the Special Rapporteur on disability of the Commission for Social Development;

28. Reaffirms its commitment to ensuring that the human rights of persons with disabilities and their concerns for full participation in all aspects of society continue to be addressed in all of its work;

29. Decides to continue to consider the question at its fifty-sixth session under the agenda item entitled "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities".